

The opinion in support of the decision being  
entered today is not binding precedent of the Board.

Paper 15

Filed by: Trial Section Motions Panel  
Box Interference  
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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SUSAN MARY **DALUGE**, MICHELLE JOANNE FUGETT  
AND MICHAEL TOLAR MARTIN  
Junior Party  
(U.S. Patent Application 09/419,416),

v.

GERHARD **STUCKY**, RENÉ IMWINKELRIED  
Senior Party,  
(U.S. Patent No. 5,663,340).

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Patent Interference No. **105,015** (MPT)

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Before: SCHAFER, TIERNEY and NAGUMO, Administrative Patent Judges.

TIERNEY, Administrative Patent Judge.

**FINAL JUDGMENT**

Senior Party Stucky has abandoned the contest as to Count 1, the sole count in the interference. Further, Stucky agrees to entry of adverse judgment as to Count 1 and Stucky claim 1, which corresponds to Count 1. (Paper No. 14). Upon consideration of the record, it is:

**ORDERED** that judgment on priority as to Count 1 (Notice Declaring Interference, Paper No. 1, page 5), the sole count in the interference, is awarded ***against*** Senior Party Stucky.

**FURTHER ORDERED** that Senior Party Stucky is not entitled to a patent containing claim 1 of Stucky, U.S. Patent 5,663,340.

**FURTHER ORDERED** that a copy of this final decision shall be placed and given a paper number in the file of Stucky, U.S. Patent 5,663,340 and Daluge, U.S. Application No. 09/419,416.

**FURTHER ORDERED** that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

RICHARD E. SCHAFFER  
Administrative Patent Judge

MICHAEL P. TIERNEY  
Administrative Patent Judge

MARK NAGUMO  
Administrative Patent Judge

BOARD OF PATENT  
APPEALS  
AND  
INTERFERENCES

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